

**RODERICK LAMAR WILLIAMS,**

**Petitioner,**

**vs.**

**UNITED STATES OF AMERICA,**

**Respondent.**

dismissed for lack of jurisdiction. (Doc. No. 98). Petitioner filed a Rule 59(e) Motion for Reconsideration which was denied. (Doc. Nos. 99, 100).

The Fourth Circuit affirmed the portion of the Order dismissing the Rule 60(b)(6) motion but remanded for further consideration of Petitioner's claims for relief under Rule 60(b)(3).<sup>1</sup> The Court noted, in particular, that Petitioner should be granted the opportunity to address whether his Rule 60(b)(3) motion was timely filed.

The Court will afford Petitioner the opportunity to explain why his Rule 60(b)(3) motion is timely. See United States v. McRae, 793 F.3d 392, 401 (4<sup>th</sup> Cir. 2015). The Court will direct the Petitioner to file a Memorandum Addressing Limitations within **30 days** from entry of this Order which explains why his Rule 60(b)(3) motion is not time-barred. Failure to comply with this Order may result in dismissal of the Rule 60(b)(3) and Rule 59(e) Motions.

The Court determines that the United States Attorney should respond to Petitioner's Rule 60(b)(3) and 59(e) Motions. The Court will direct that the United States file an Answer or other responsive pleading within **30 days** after Petitioner's Memorandum Addressing Limitations is docketed, or, if Petitioner fails to timely file a Memorandum addressing Limitations, within **75 days** of this Order.

**IT IS, THEREFORE, ORDERED** that

- (1) Petitioner shall file a Memorandum Addressing Limitations within **30 days** of this Order. The failure to comply may result in dismissal of the Rule 60(b)(3) and Rule 59(e) Motions.
- (2) The United States shall file an Answer or other responsive pleading within **30 days**

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<sup>1</sup> The Fourth Circuit declined to consider Petitioner's appeal of the denial of his Rule 59(e) motion.

after Petitioner's Memorandum Addressing Limitations is docketed, or, if  
Petitioner fails to file a Memorandum, within **75 days** of this Order.

Signed: April 23, 2019

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

